

**SACRAMENTO RIVER CONSERVATION AREA
BOARD OF DIRECTORS
MINUTES**

**December 14, 2000
4:00 p.m.**

**Willows City Hall
Willows, Ca.**

Chair Denny Bungarz called the meeting of the Sacramento River Conservation Area to order at 4:05 p.m. at the above location. It was determined that there was a quorum of (11) voting members present.

<u>County</u>	<u>Public Interest</u>	<u>Landowner</u>	<u>Agency</u>
Butte	Jane Dolan	Shirley Lewis	
Colusa	Bill Waite (David Womble)	Ben Carter	
Glenn	Denny Bungarz	Jason Larrabee	
Shasta	(Glenn Hawes)	Dan Gover	
Sutter	Dick Akin	(Russell Young)	
Tehama	(Bill Borrer)	Brendon Flynn	
Yolo	Lynnel Pollock	(Marc Faye)	
Resources Agency			Mel Dodgin
Cal DFG			Diana Jacobs
State Reclamation Board			Pete Rabbon
USF&WS			Jim McKevitt
US COE			Mark Charlton
DWR			(Dwight Russell)
Bureau of Reclamation			(Laura Allen)

Names listed in parentheses represent absences

Also present, an estimated audience of 25 interested persons.

Manager Burt Bundy

Assistant Pat Brown, Recording Secretary

Tim Ramirez, Resources Agency

1. ANNOUNCEMENTS AND INTRODUCTIONS: Jim McKevitt , USF&WS, announced his retirement as of 12/01/00 to work in the private sector. Jim expressed his intention to continue his involvement with the SRCA. Dan Castleberry was introduced as his replacement. Dick Akin, Sutter County, announced this would be his last meeting.
2. CONSIDERATION OF MINUTES FOR ADOPTION – SEPT 28 AND NOV 2 BOARD MEETINGS: Additional corrections to the Sept 28 minutes as follows:
From Ben Carter: Page 3, Item 6 - 40 acres *to be sold by nature conservancy to.....*
Page 3, Item 7 – *It was noted by Doug White that in Colusa the county auditor/controller has documentation indicating that the Federal Wildlife in lieu of taxes underpaid in excess of \$800,000.00.*
Diana Jacobs also noted a report was made available that listed the In-lieu fees for parcels owned by the DF&G - not part of the minutes but new information on the state's side.

It was moved by Bill Waite, seconded by Jason Larrabee to approve the Nov 2 minutes and the Sept 28 minutes as corrected and with inclusion of an addendum to item #7. Motion passed by unanimous vote of the Board.

3. **MANAGERS REPORT:** Burt Bundy expressed appreciation to Jim McKevitt and Dick Akin for their contributions to the SRCA. He stated he is looking for volunteers to work on the PILT committee – to contact the SRCA office or Denny Bungarz if interested. He also asked that the Board look at the draft of a brochure that was included in their packets and to please respond with comments. Copies of the directory of Flood Control Officials, compliments of DWR/Reclamation Board were also enclosed.

Sub-Reach Planning –Report included in packets –little change at Woodson Bridge or Bloody Island. Hamilton City, however, has had some activity occurring at the head of the J Levee. Tom Tinsley, Glenn County, reported on maintenance work to reinforce the upper end that was started before Thanksgiving and is now complete.

Pete Rabbon , General Manager of the Reclamation Board, was introduced to discuss a \$5,000,000.00 line item in the current budget specifically for Hamilton City area acquisition and restoration. The Prop 13 funds are available through the DWR budget for CALFED Restoration Program activities and Pete is suggesting they also be used as a non-federal cost share for the proposed COE project. A problem is that the funds are available for this fiscal year and the levee location probably will not be known until after next year. A solution could be to transfer the funds for immediate use with an agreement between TNC and The Reclamation Board to utilize those property rights for project acquisitions. Local landowners and The Nature Conservancy are in the process of negotiating possible acquisitions in the general location of the proposed levee and TNC would agreed to provide unspecified property rights up to the amount of the grant for “Lands, Easements, and Rights of Way” for construction of the flood protection project. It could save the local sponsors and the State substantial funds required to match federal dollars. Questions were raised concerning whether agencies have to acquire land to build a levee for flood protection; is there additional land required for mitigation; and, what would the impact be on local agencies that provide flood control? Pete commented that these funds may not be used directly for mitigation, but will save state and local governments from having to purchase land from landowners. Denny Bungarz indicated that it looked like a benefit to Glenn County as the entity responsible for local flood protection. Diana Jacobs posed the question about the intent at Hamilton City – if there is to be an integrated floodplain management project where the floodway also provides habitat value – would it be self-mitigating? Jim McKevitt stated that lands acquired for a specific purpose (mitigation) – cannot alter use. Depends on the source of funds – whether general purpose or habitat restoration funds. Mark Charlton, U.S. COE, mentioned that because the costs for “Lands, Easements, and Rights of Way” can be very problematic when trying to pull projects together – this commitment would help get in on the front end of the issue. Tom Tinsley raised a question concerning the Section 205 (HC Flood Reduction Feasibility) Study and where it is now? Mark stated that it has gone out – will be in Washington D.C. soon, and should be back in January. Pete indicated that he will facilitate the agreement with the Reclamation Board, DWR, Glenn County, and TNC, and keep the Board informed of the progress.

Site-Specific Activities – M&T - Burt and Les Heringer, Manager of the M&T Ranch, reported on a recent meeting in Sacramento. One point of discussion was the request before CALFED for short term funding. M&T is working with Stillwater Science and their fluvial geomorphologist to determine alternatives to assure continued pump operation. CALFED representatives indicated that

there may be funding available to do some dredging if necessary should the gravel bar move after high flows. Tentatively, DWR would do the permitting and contracting if necessary. **Shasta County levee-** Supervisor Glenn Hawes, Burt Bundy and DWR representatives looked a levee above the mouth of Cow Creek that was built several years ago without permits. Homeowners across from the levee had complained that it was directing flows towards their property. At this point most of the levee has washed away and the landowner had been told by the permitting agencies not to rebuild it. **Burroughs Ranch-** Landowner is looking for sale of easement or fee title of property he has within the levees. Because of local concerns for flood flows, NRCS has backed away from purchasing an easement for habitat restoration. Habitat restoration would need to be compatible with floodway requirements. **F&WS Activities** –1. Packer Lake Fishing access – they have received a couple of letters –both very positive. Should have approval in January to open fishing program. 2. Labaranca Feasibility Study—Developing alternatives to reduce fish entrapment in old gravel pits. As information comes available will coordinate public information sessions. 3. Environmental Assessment for Habitat Enhancement and Restoration on ten areas within the Refuge– Information out for public comment in January. Comprehensive Conservation Plan – 2-3 year process – Board will get involved as it moves along. 4. Comprehensive Conservation Plan for the Sac River National Wildlife Refuge—March 16 will be start of process to develop a CCP in the next 2-3 years.

Chair Bungarz reported he had received e-mail from Kevin Foerster, Manager of the Sacramento National Wildlife Refuge, welcoming tours of the Refuge. Burt suggested it would be good to tour prior to a meeting. Dick Akin agreed noting in Sutter County they are seeing two sides – good habitat – however, same habitat is causing severe problems with flood control. Tour would give opportunity to see the problems that can arise.

Jason Larrabee questioned Jim McKeivitt about a proposed project in eastern Glenn County. Jason felt that the project hadn't been reviewed through the SRCA.

4. **TAC REPORT –“Hard Points”**– Manager Burt Bundy thanked Les Heringer and Paul Ward, DF&G, for their presentation to the TAC. They had explained that an earlier broad based sub-committee had carefully crafted the language for “Hardpoints” in the Handbook section, “Issues to be Resolved”. At the TAC meeting they discussed the definition process of “Hard Points”. There was full support by the TAC that the Board set up the process to move forward with a Handbook amendment that would replace the current language (Chap.1, Pg. 5) with the new definition:

“There are places along the river where bank stabilization will be necessary to limit the meander to the inner river zone. This limitation will take into account the potential need to protect existing land uses including agriculture and structural “hard points” such as buildings, bridges, pumping plants, flood control structures and levees from bank erosion. A structural “hard point” is defined as a structure or group of structures within the area of recent river meander, that because of various attributes, including but not limited to, historic location, public and private investment, and government commitment, is deemed necessary to be protected from river movement. It is the intent and goal to expedite the permit process for protection of these structural hard points as discussed on pages 9-7 through 9-9. When a need is identified, and other alternatives have been considered, the most effective, economically feasible, and least environmentally damaging techniques should be used.”

Ben Carter asked about the degree of investment and stated we need to be as clear as possible as to what the intent of the Handbook is. Burt stated that degree of investment is not defined –during the site-specific planning process those issues will be resolved. Diana noted that as to how specific the

paragraph should be in the Handbook – it is not an action, but a guiding principle. A landowner asked for clarification on the “area of recent river meander”? Les Heringer responded that it was where the river has been in the last 100 years. Burt explained the Handbook amendment process – after recommendation to the TAC it is taken back to the Board, then there is a notification process to the signatories of MOA and the Advisory Council, followed by a 30-day waiting period. Because Reach 1 & 3 Inner River Zones still need to be defined, and #2 of the “Issue to be Resolved” (Impacts of Bank Stabilization on Riparian Habitat) also needs to be addressed, and all are potential Handbook amendments, the Board should have all the changes go through at the same time. Probably looking at a time frame of next spring before we work through the process.

Reach #4 – IRZ Guidelines – Burt read the language of the definition for Reach #4.

“The Inner River Zone Guidelines within Reach # 4 consist of the floodway within the project levees, as designated by the Reclamation Board, which does not overlap the operation and maintenance jurisdiction of local maintaining entities (typically 10’ inside the toe of existing project levees).”

The TAC adopted the language for recommendation to the Board. Flood control efforts and activities are recognized within that area. The Board determined that a public informational meeting on the IRZ of Reach 4 will be held on January 23 at 7:00 p.m. chaired by Lynell Pollock– the meeting place to be determined. The Manager will coordinate with FWA and others to assure that all landowners in Reach 4 of the Conservation Area are informed. The next TAC meeting will discuss Reach #1 & #3 and will have a BLM presentation on the upper river.

5. MANAGERS SALARY – Chair Bungarz explained that because Burt Bundy has worked for the Foundation for 2 years on another grant he is eligible for a 5% COLA increase effective 09/06/00 with a satisfactory performance. Chico State Foundation said his selection as Manager was proof of satisfactory performance and felt the increase should be granted. Future COLA’s will be based on an annual performance evaluation. Bill Waite moved, seconded by Jason Larrabee to approve the 5% increase effective on 9/06/00. Motion passed by unanimous vote of the Board.
6. COUNTY VETO PRESENTATION – Marion Mathis from the Family Water Alliance spoke on the organization’s recommendation for an amendment to the SRCA Handbook regarding veto power for each county. She stated this is necessary in order for counties to have the ability to reject projects. Recommendations were put forth in a letter dated 9/29/00 and provided to the Board at the Nov 2 Board meeting. Copies were also included in each of the member’s meeting folders. Sue Sutton, FWA, expressed concerns that policies are not being addressed – debris from habitat for example. Dick Akin stated need to look at ways to facilitate removal of debris from mouth of weirs as it is very expensive. Calvert Cecil, landowner on the Sacramento River, read from a COE(1993) report that indicated they wanted to build a levee on his property and that he had been asked to sell for that purpose. He noted that he did not want to sell. He was advised that this was not an SRCA project – would not address something like this – that the SRCA works under the principle of voluntary participation only. Mark Charlton and Pete Rabbon agreed to talk with him. Comments followed: From Lynell Pollock – concern that granting veto power to counties can step on landowner’s rights. From Ben Carter – expressed concern that a landowner may do something that impacts another landowner. Board may not have the power but still can go ahead with projects- would feel better if county has ability to say no.

From Jim McKevitt – stated that nothing in the MOA would allow the expanding or limiting of the authority of any signatory or entity. Lands are acquired for specific reasons – can be no veto authority.

Jane Dolan – Handbook needs to be examined – language is there. The SRCA Board is there for everyone to bring issues in for public discussion and input.

From Dick Akin – have a general plan – tell people what you can or cannot do everyday- should be able to tell landowner not to sell for habitat if impacts county.

Mel Dodgin raised the question of just what would be vetoed?

Brendon Flynn – might be a misconception of what the Board does - cannot start or stop a project if an agency has everything in place and wants to go ahead.

Dick Akin moved to accept amendment to Handbook regarding veto power conceptually – wording to be addressed, seconded by Ben Carter. After further discussion Lynell Pollock moved to place the issue on the next agenda to allow time for further review, seconded by Dan Gover. Substitute motion passed by a majority vote of the Board.

7. COMP. STUDY PRESENTATION - Sue Fry from the Corps of Engineers, Comp. Study, gave a presentation on the focus of the Comp. Study, the make-up of the Study Team, and the project development process (noted here was the way in which the SRCA can be involved through “Initial Projects”). Alicia Kirchner, COE, discussed “Initial Projects”-potential projects and the criteria used to determine which project is best for a particular area. Also introduced were Steve Tuggle, and Annalena Bronson. Sue noted that in February the first document from the Phase II Study will be released to the public which includes conceptual plans of what might work along the Sacramento and San Joaquin River. Opened to Board and audience for questions.

8. FUTURE MEETINGS:

The next TAC meeting will be held on January 11 at the Willows City Hall, Willows, Ca. at 10:00 a.m.

The next SRCA Board meeting will be held on January 18 at the Willows City Hall, Willows, Ca. at 4:00 p.m.

The February SRCA Board meeting will be held on February 15 at the Chico Enloe Center, Chico, Ca. at 4:00 p.m., if available.

Meeting adjourned: 7:05 p.m.

Respectfully submitted

Patricia Brown
Recording Secretary

